

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EATON CORPORATION,

Plaintiff,

Case No. 03-74844

vs.

HON. GEORGE CARAM STEEH

ZF MERITOR LLC, ARVINMERITOR,
INC. and ZF FRIEDRICHSHAFEN AG,

Defendants.

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ORDER REGARDING MOTIONS IN LIMINE

This matter is before the Court on motions in limine filed by the parties. The motions were fully briefed, and oral argument was held on August 20, 2008. Now, therefore, for the reasons stated on the record, IT IS HEREBY ORDERED that:

Document # 315 - Plaintiff's motion to exclude evidence of OEM agreements and market share is GRANTED for purposes of the liability phase of the trial.

Document # 319 - Defendants' motion to exclude evidence of pre-litigation knowledge and attorney testimony is DENIED, as explained on the record.

Document # 320 - Plaintiff's motion to bar evidence that defendants consulted counsel is GRANTED, as explained on the record.

Document # 316 - Plaintiff's motion to exclude evidence of other patents in suit and ITC litigation is GRANTED, generally, as explained on the record.

Document # 317 - Defendant's motion to exclude infringement of the '458 patent is GRANTED, as explained on the record.

Document # 318 - Defendant's motion to exclude evidence of alleged copying is DENIED as to willfulness and GRANTED as to non-obviousness.

Document # 325 - Plaintiff's motion to exclude testimony of Albers and Frey is DENIED.

Document # 295 - Defendants' Law of the Case Motion was discussed on the record, with counsel being told to attempt a resolution. To the extent the issues are unresolved, they will be further addressed at the final pretrial conference on September 10, 2008.

So ordered.

Dated: August 20, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 20, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk